

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Frank Olschewski et al.

Application No.: 10/597,555

Confirmation No.: 2730

Filed: July 28, 2006

Art Unit: N/A

For: MICROSCOPE SYSTEM AND METHOD
FOR SHADING CORRECTION OF LENSES
PRESENT IN THE MICROSCOPE SYSTEM

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:
(Check one of the boxes A-D)

- A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above identified national application
- B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
- C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- i. Counsel states that, upon information and belief, each item of information listed herein was (check one of boxes (a) or (b))
 - (a) first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
 - (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ii. A check for the fee set forth in 1. 17(p), presently believed to be \$180, is enclosed.
- D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. Under 37 CFR 1.17(i) a check in the amount of \$180.00 is enclosed. Counsel certifies that, upon information and belief, each item of information listed herein was

(check one of the boxes "a" and "b" below:)

- (a) first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO/SB/08) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A, B and/or C and fill in blanks, if appropriate.)

- A. Pursuant to the Notice issued by the United States Patent and Trademark Office dated July 11, 2003 waiving the requirements of 37 C.F.R. § 1.98(a)(2)(i), a copy/copies of the United States Patent on PTO/SB08 is/are not being submitted.
- B. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
- C. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:

<<INSERT SERIAL NO. & FILING DATE>>

Applicant identifies these documents by attaching hereto copies of the forms PTO-892, PTO-1449 and/or PTO/SB/08 from the files of the prior application(s) or a fresh PTO/SB/08 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

3. Cite No(s). BB are not in the English language. In accordance with 1.98(c), Applicant states:
- An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application , or English-language abstract (or claim) is enclosed.
- The requirement for a concise explanation of the relevance of any foreign language document is satisfied by the attached search report; citation of the documents cited in the search report shall not be construed as an admission that they are or are considered to be, material to patentability of the subject matter claimed herein (See MPEP §609).
- A concise explanation of the relevance of document(s) _____ is set forth as follows: [Insert concise explanation of relevance]
- A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.
- A concise explanation of document(s) _____ can be found on the attached sheet.

- 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 in the preamble to the final rules; 1135 OG 13 at 20).
- 5. Other information being provided for the examiner's consideration follows:

[A/An International Search Report, dated April 6, 2005, which issued during the prosecution of International Application No. PCT/EP2004/053659 which corresponds to the present application.]

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Early and favorable consideration is earnestly solicited.

The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: November 9, 2006

Respectfully submitted,

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.S./

PTO/SB/08A/B (09-06)

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|------------------------------|---|----|---|--------------------------|----------------------------|
| Substitute for form 1449/PTO | | | | Complete if Known | |
| | | | | Application Number | 10/597,555-Conf. #2730 |
| | | | | Filing Date | July 28, 2006 |
| | | | | First Named Inventor | Frank Olschewski |
| | | | | Art Unit | NA 2622 |
| | | | | Examiner Name | Not Yet Assigned A. Spinks |
| Sheet | 1 | of | 1 | Attorney Docket Number | 20793/0205087-US0 |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
| AA* | US-6,355,919 | 03-12-2002 | Engelhardt et al. | | |
| AB* | US-20030016301-A1 | 01-23-2003 | Aizaki et al. | | |
| AC* | US-20020030883-A1 | 03-14-2002 | Adachi et al. | | |
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| AE* | US-4,678,900 | 07-07-1987 | Nishioka et al. | | |

| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | |
| BA | WO-02/05549 | | 01-17-2002 | 3dv Systems Ltd et al. | |
| BB | DE-1000848 | | 00-08-1970 | Clemens Ag | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS | | | | | |
|---------------------------------|-----------------------|---|--|--|--|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | | |
| | | | | | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

| | | | |
|--------------------|---------------------|-----------------|------------|
| Examiner Signature | /Antoinette Spinks/ | Date Considered | 02/06/2009 |
|--------------------|---------------------|-----------------|------------|

INTERNATIONALE RECHERCHENBERICHT

Internationales Aktenzeichen
PCT/EP2004/053659

A. KLASIFIZIERUNG DES ANMELDUNGSGEGENSTANDES
IPK 7 G02B21/36 H04N5/235

Nach der Internationalen Patentklassifikation (IPK) oder nach der nationalen Klassifikation und der IPK

B. RECHERCHIERTE GEBIETE

Recherchierte Mindestprüfstoff (Klassifikationssystem und Klassifikationssymbole)
IPK 7 G02B H04N

Recherchierte aber nicht zum Mindestprüfstoff gehörende Veröffentlichungen, soweit diese unter die recherchierten Gebiete fallen

Während der internationalen Recherche konsultierte elektronische Datenbank (Name der Datenbank und evtl. verwendete Suchbegriffe)

EPO-Internal

C. ALS WESENTLICH ANGESEHENE UNTERLAGEN

| Kategorie ^a | Bezeichnung der Veröffentlichung, soweit erforderlich unter Angabe der in Betracht kommenden Teile | Betr. Anspruch Nr. |
|------------------------|--|--------------------|
| X | WO 02/05549 A (3DV SYSTEMS, LTD; BRAUN, ORI, J; YAHAZ, GIORA) 17. Januar 2002 (2002-01-17) Seite 6, Zeilen 11-28 Seite 7, Zeilen 13-21 Seite 12, Zeilen 6-15 Seite 13, Zeile 7 – Seite 14, Zeile 21 Seite 15, Zeile 28 – Seite 16, Zeile 23 Seite 21, Zeile 27 – Seite 22, Zeile 27 Seite 23, Zeilen 14-16 Seite 25, Zeile 19 – Seite 26, Zeile 7 Abbildungen 3,4 | 1-4, 17-21 |
| A | US 2003/016301 A1 (AIZAKI SHINICHIRO ET AL) 23. Januar 2003 (2003-01-23) Absatz '0050! Absätze '0099! – '0112! Abbildungen 9,12 | 1,17 |

Weitere Veröffentlichungen sind der Fortsetzung von Feld C zu entnehmen

Siehe Anhang Patenfamilie

^a Besondere Kategorien von angegebenen Veröffentlichungen :

"A" Veröffentlichung, die den allgemeinen Stand der Technik definiert, aber nicht als besonders bedeutsam anzusehen ist

"E" älteres Dokument, das jedoch erst am oder nach dem Internationalen Anmeldeatum veröffentlicht worden ist

"L" Veröffentlichung, die geeignet ist, einen Prioritätsanspruch zweifelhaft erscheinen zu lassen, oder durch die das Veröffentlichungsdatum einer anderen im Recherchenbericht genannten Veröffentlichung belegt werden soll oder die aus einem anderen besonderen Grund angegeben ist (wie ausgeführt)

"O" Veröffentlichung, die sich auf eine mündliche Offenbarung, eine Benutzung, eine Ausstellung oder andere Maßnahmen bezieht

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"T" Spätere Veröffentlichung, die nach dem internationalen Anmeldeatum oder dem Prioritätsdatum veröffentlicht worden ist und mit der Anmeldung nicht kollidiert, sondern nur zum Verständnis des der Erfindung zugrundeliegenden Prinzips oder der ihr zugrundeliegenden Theorie angegeben ist

"X" Veröffentlichung von besonderer Bedeutung; die beanspruchte Erfindung kann allein aufgrund dieser Veröffentlichung nicht als neu oder auf erfinderischer Tätigkeit beruhend betrachtet werden

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"&" Veröffentlichung, die Mitglied derselben Patenfamilie ist

| | |
|--|---|
| Datum des Abschlusses der Internationalen Recherche | Absendedatum des Internationalen Recherchenberichts |
| 29. März 2005 | 06/04/2005 |
| Name und Postanschrift der Internationalen Recherchenbehörde Europäisches Patentamt, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl Fax: (+31-70) 340-3016 | Bevollmächtigter Bediensteter Mollenhauer, R |

INTERNATIONALES RECHERCHENBERICHT

Internationales Aktenzeichen
PCT/EP2004/053659

| C.(Fortsetzung) ALS WESENTLICH ANGESEHENE UNTERLAGEN | | |
|--|---|--------------------|
| Kategorie | Bezeichnung der Veröffentlichung, soweit erforderlich unter Angabe der in Betracht kommenden Teile | Betr. Anspruch Nr. |
| A | US 2002/030883 A1 (ADACHI SADASHI ET AL) 14. März 2002 (2002-03-14) Absätze '0001! - '0004! Absätze '0015! - '0020! Absätze '0025!, '0026! Absatz '0078! Abbildung 9 ----- | 1,17 |
| A | DE 19 03 348 A1 (SIEMENS AG) 3. September 1970 (1970-09-03) das ganze Dokument ----- | 1,17 |
| A | US 6 355 919 B1 (ENGELHARDT JOHANN) 12. März 2002 (2002-03-12) in der Anmeldung erwähnt Zusammenfassung ----- | 1,17 |
| A | US 5 749 830 A (KANEKO ET AL) 12. Mai 1998 (1998-05-12) Spalte 24, Zeile 48 - Spalte 25, Zeile 42 Spalte 33, Zeile 31 - Spalte 34, Zeile 67 ----- | 1,17 |
| A | US 4 678 900 A (NISHIOKA ET AL) 7. Juli 1987 (1987-07-07) Spalte 2, Zeile 24 - Spalte 3, Zeile 3 ----- | 1,17 |

INTERNATIONALES RECHERCHENBERICHT

Angaben zu Veröffentlichungen, die zur selben Patentfamilie gehören

Internationale Aktenzeichen

PCT/EP2004/053659

| Im Recherchenbericht angeführtes Patentdokument | | Datum der Veröffentlichung | | Mitglied(er) der Patentfamilie | Datum der Veröffentlichung |
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| WO 0205549 | A | 17-01-2002 | US WO US | 6445884 B1 0205549 A1 2001055482 A1 | 03-09-2002 17-01-2002 27-12-2001 |
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